

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RONALD J. DORAN and JOAN
C. DORAN,

Plaintiffs,

MAGISTRATE JUDGE Eden

v.

In Admiralty

CAMMIE KENDRICK, Official
Number 1050936, its engines,
tackle, equipment, permits, and
appurtenances, in rem; and
WALTER N. LEWIS III and
NICOLE M. LEWIS, in personam,
Defendants.

Civil Cause No.

VERIFIED COMPLAINT IN REM AND IN PERSONAM

Plaintiffs Ronald J. Doran and Joan C. Doran ("Plaintiffs Doran") aver:

1. This is an action within the admiralty and maritime jurisdiction of this Court pursuant to 28 U.S.C. §1333 and 46 U.S.C. §31325 and is an admiralty and maritime claim within the meaning of Fed. R. Civ. P. 9(h).
2. Plaintiffs Doran are citizens of Maynard, Massachusetts.
3. Defendant CAMMIE KENDRICK, Official Number 1050936, its engines, tackle, equipment, permits, and appurtenances (the "Vessel"), is within this district or will be within this district while this action is pending and therefore is within the jurisdiction of this Court.
4. At relevant times the Vessel was wholly owned by defendants Walter N. Lewis III and Nicole M. Lewis ("Defendants Lewis") who are residents of Barnstable, Massachusetts.
5. Defendants Lewis are indebted to Plaintiffs Doran in the unpaid amount payable of \$57,880 as of January 4, 2004 plus 18% interest along with collection

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costs, including reasonable attorneys' fees (the "Debt"), which is evidenced by a Promissory Note dated September 12, 2000, a copy of which is attached as Exhibit A.

6. Plaintiffs Doran hold a First Preferred Mortgage which secures the Debt and encumbers the Vessel dated September 12, 2000, a copy of which is attached as Exhibit B. The First Preferred Mortgage was duly recorded with the United States Coast Guard the next day in Book 00-97 at Page 106. All conditions precedent necessary for the First Preferred Mortgage to constitute a preferred mortgage encumbering the Vessel pursuant to 46 U.S.C. § 31325, as amended, have been met and the First Preferred Mortgage constitutes a valid maritime lien upon the Vessel.

7. The Promissory Note and First Preferred Mortgage are in default in that, inter alia, (a) Defendants Lewis have failed to make punctual payments of principal and interest as same have become due and payable, (b) despite request pursuant to a Certified Mail letter attached as Exhibit C, Defendants Lewis have failed to inform Plaintiffs Doran of the Vessel's location, in violation of Preferred Mortgage Article I, Section 9, (c) Defendants Lewis sold portions of their interest in the Vessel to one John P. Riley without the prior written consent of Plaintiffs Doran, in violation of First Preferred Mortgage Article I, Section 10, and (d) Defendants Lewis have allowed a claim of lien to be filed by Vessel Documentation Service, in violation of First Preferred Mortgage Article I, Section 5, by reason of which, independently and collectively, the Debt is now due and


payable, no part of which has been paid although the same has been duly demanded.

WHEREFORE, Plaintiffs Doran request that:

1. They have judgment, jointly and severally, against the Vessel in rem and against Defendants Lewis in personam for \$57,800 as of January 4, 2004 plus 18% interest along with collection costs, including reasonable attorneys' fees, and such other amounts as may be proved at trial;
2. Pursuant to Fed. R. Civ. P. Supplemental Rule C the Vessel be arrested, condemned, and sold to pay the claims and judgment aforesaid;
3. The First Preferred Mortgage be declared a valid and subsisting lien upon the Vessel, and that it be declared prior and superior to all other interests, liens, or claims against the Vessel;
4. In the event the Vessel is condemned to pay the judgment, Plaintiffs Doran be allowed to bid the indebtedness of their claim toward the sale price of the Vessel; and
5. Plaintiffs Doran have such other and further relief as may be just and proper.

RESPECTFULLY SUBMITTED this 23d day of January 2004.

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